

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
December 14-17, 1999

| Date Issued | Type of Case(1) | Proceeding or Appn. No. | Party or Parties | TTAB Panel(2) | Issue | TTAB Decision | Opposer's or Petitioner's Mark and Goods or Services | Applicant's or Respondent's Mark and Goods or Services | Mark and Goods Cited by Examining Attorney | Examining Attorney | Citable as Precedent of TTAB |
|-------------|-----------------|-------------------------|--|--------------------------|---|---|---|---|---|--------------------|------------------------------|
| 12-14 | EX | 75/347,040 | BSB Bank & Trust | Cissel Hairston Chapman* | 2(d) | Refusal Affirmed | | "BSB TELEPHONE TELLER" (and design) [banking services by phone] | "BSB" (in stylized form, with design) [banking services] | DuBois | No |
| 12-14 | EX | 75/247,109 | The Peak Technologies Group, Inc. | Hanak* Hohein Holtzman | 2(d) | Refusal Affirmed (as to both cited marks) | | "NUCLEUS STOCK AUDIT" [computer software designed to manage warehouse inventories and computer hardware used therewith, namely, bar code readers and user manuals sold therewith] | "NUCLEIS" [computer programs used in connection with managing information for equipment tracking, maintenance processing and materials processing]; "NUCLEUS" [computer programs and computer programs with data processing apparatus, all for use with a computer for data management] | Smith | No |
| 12-14 | EX | 75/293,016 | Kartal Besin Maddeleri Pazarlama Ve Ticaret A.S. | Hairston Bucher* McLeod | 2(d) | Refusal Affirmed | | "VERDE" (in stylized lettering) [processed olives, olive oil and pickles; raw olives] | "VERDI" [specialty vinegar] | DuBois | No |
| 12-14 | OPP | 104,859 | George H. Fuller & Son Co. v. Thomas A. Wheeler | Hanak Chapman* Bucher | 2(d) | Opposition Dismissed | stylized letter "F" inside a stylized letter "O" [jewelry findings] | stylized letter "F" in a circle design [hand crafted jewelry and custom designed jewelry] | | | No |
| 12-14 | EX | 75/006,702 | Stanley D. Ference III | Quinn Hohein Bucher* | 2(a) [false suggestion of a connection] | Refusal Reversed | | "BLITZBURGH" [hats, t-shirts, and sweatshirts] | | Zak | No |

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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| 12-14 | EX | 75/176,890 | Bernhardt Furniture Co. | Cissel Wendel* Bucher | 2(d) | Refusal Affirmed | | "VISIONS" [furniture, namely, modular furniture components for high-end corporate offices, featuring a unique wire management enhancement and conference tables with wire handling capabilities] | "VISION BUSINESS PRODUCTS" (and design) [distributorship services in the field of business office and computer products, supplies and furniture; mail order services in the field of business, office and computer product supplies and furniture] | Fickes | No |
| 12-16 | EX | 75/055,823 | Transgo, Inc. | Seeherman* Chapman Bucher | genericness; whether applicant's mark is distinctive under Section 2(f) | Refusal Affirmed (but only on basis of lack of 2(f) distinctiveness, not on genericness ground) | | "REPROGRAMMING KIT" [automotive transmission valve body components, namely, separator plates and springs; automotive transmission parts, namely, separator plates and springs, sold together as a unit; automatic transmission valve body parts sold as a unit for installation in the valve bodies of vehicle automatic transmissions; and valve body kits comprising separator plates and springs for installation in the valve bodies of vehicle automatic transmissions] | | Gaynor | No |

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| 12-16 | EX | 75/226,831 | The All American Gourmet Co. | Cissel Chapman* Rogers | Section 6 disclaimer requirement (of word GOURMET) | Refusal Affirmed | | "ALL FAMILY GOURMET" (and design) [entrees, dinners, and side dishes, principally consisting of meat, poultry, fish, shellfish, seafood, cheese, vegetables, rice or pasta] | | Front | No |
| 12-16 | EX | 74/528,633 | Wireless Unified Network Systems Corp. | Simms Seeherman* Bottorff | 2(e)(1) | Refusal Affirmed | | "WIRELESS UNIFIED NETWORK SYSTEMS CORPORATION" [telecommunications services, namely, providing wireless network communications services using a sub-orbital high altitude communications network that is integrated with a land based communications network] | | Glynn | No |
| 12-17 | OPP | 96,834 | The Hoover Co. v. Royal Appliance Mfg. Co. | Cissel Walters* Bucher | 2(d); 2(a) [deceptive]; 2(e)(1) [deceptively mis-descriptive] | Opposition Dismissed | "NUMBER ONE IN FLOORCARE" [electric vacuum cleaners] | "THE FIRST NAME IN FLOORCARE" [electrical vacuum cleaners for both domestic and industrial use] | | | No |
| 12-17 | EX | 75/237,611 | Wagner Spray Tech Corp. | Cissel Quinn* Walters | 2(d) | Refusal Affirmed (as to all marks cited) | | "LUMBERJACK" (in stylized lettering) [electric powered chain saws, electric powered limb trimmers, electric powered sharpeners for chain saws] | "LUMBER JACK," "LUMBERJACK," and "LUMBERJACK'S" [all three marks for lumberyard, construction material outlet, and hardware store services,] | Baxley | No |

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| 12-17 | OPP OPP OPP OPP OPP OPP | 102,173 103,135 104,078 104,173 104,181 104,193 104,323 | QVC, Inc. v. Home Shopping Network, Inc. | Hairston* Walters Chapman | whether the words HOME SHOPPING, as they appear in applicant's marks, are generic for its services; if not, whether the words are merely descriptive; and, if so, whether they have become distinctive of applicant's services under Section 2(f) | Opposition Sustained as to applicant's four marks for entertainment services and television broadcasting services; Opposition Dismissed as to applicant's three marks for licensing or credit card services | | "HSN HOME SHOPPING NETWORK" and "HSN HOME SHOPPING NETWORK" (and design) [both marks for entertainment services in the nature of an ongoing television program whereby viewers are informed of various goods that can be purchased by the viewers]; "HSN HOME SHOPPING NETWORK" (and design) and "HOME SHOPPING CLUB" [both marks for licensing services, namely, providing cable and broadcast television operators and broadcasters a license to show television programs]; "HSN HOME SHOPPING NETWORK" (and design) [television broadcasting services]; "HSN HOME SHOPPING NETWORK" (and a different design from those above) [television broadcasting services; entertainment services, etc.]; "HOME SHOPPING NETWORK" [credit card services] | | | No |

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